

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

United States of America,)	
)	
v.)	CRIMINAL ACTION NO.
)	1:09-CR-490
The Public Warehousing Company)	
K.S.C., a/k/a Agility,)	
)	
Defendant.)	
)	

**NOTICE OF SPECIAL APPEARANCE AND
DEFENDANT'S MOTION FOR CONTINUANCE
OF INITIAL APPEARANCE**

Please enter Jones Day's limited and special appearance for The Public Warehousing Company, K.S.C., a/k/a Agility ("PWC"). The government has attempted to serve PWC, a Kuwaiti company, by service on its United States subsidiary. PWC requests a brief continuance of the initial appearance so that it may consider whether service in this matter is adequate and sufficient. Attached hereto as Exhibit A is the Resolution of PWC authorizing Jones Day and Vinson & Elkins to appear specially for the limited purpose of considering jurisdictional issues in this action.

The initial appearance is currently scheduled for 9:30 a.m. on Friday, November 20, 2009 before the Honorable Janet F. King. PWC moves to continue

the initial appearance to 10:30 a.m. on Wednesday, December 2, 2009 before the Honorable Linda Walker.

PWC only became aware of the currently scheduled initial appearance after the close of business on Monday, November 16, 2009, only three full days before the currently-scheduled initial appearance.

The United States opposes this continuance.

Pursuant to Rule 12.4 of the Federal Rules of Criminal Procedure, PWC identifies the following as any parent corporation or publicly held corporation that owns 10% or more of PWC's stock:

- a. National Real Estate Co.;
- b. National Bank of Kuwait; and
- c. Public Institution For Social Security (Government of Kuwait pension service).

A proposed order is attached hereto as Exhibit B.

Dated: November 19, 2009

Respectfully submitted,

s/Richard H. Deane, Jr.

Richard H. Deane, Jr.

Ga. Bar No. 214875

JONES DAY

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Suite 800

Atlanta, GA 30309-3053

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Attorney for Defendant

Exhibit A



RESOLUTION

19 November 2009

We, the Board of Directors of Public Warehousing Company K.S.C. ("PWC"), an entity organized under the laws of the State of Kuwait, with its mailing address at P.O. Box 25418, Safat, Kuwait, and its physical address at Sulaibiya, Behind Customs Clearing Area, Kuwait 13115, hereby appoint special litigation counsel in the United States, specifically the law firms of Jones Day of Atlanta, Georgia and Vinson & Elkins LLP of Washington, DC, to appear specially in response to the summons and indictment in the case pending in the United States District Court for the Northern District of Georgia entitled United States of America v. The Public Warehousing Company K.S.C., criminal docket number 1:09-cr-00490-UNA-1, in which PWC is charged with several violations of Title 18 of the United States Code.

Said special litigation counsel is authorized to make a special appearance before the court solely to contest jurisdictional issues and is further instructed to take no action beyond that authorized without further instruction other than action that special litigation counsel determines necessary to support any jurisdictional objections that are raised.

IN WITNESS WHEREOF we cause this Resolution to be approved.


Tarek Sultan
Chairman & Managing Director
Public Warehousing Company K.S.C.

[Seal of the company]



Exhibit B

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v.)	CRIMINAL ACTION NO.
)	1:09-CR-490
The Public Warehousing Company)	
K.S.C., a/k/a Agility,)	
)	
Defendant.)	
)	

PROPOSED ORDER

Upon good cause having been shown, initial appearance in this matter is rescheduled to 10:30 a.m. on Wednesday, December 2, 2009 before the Honorable Linda Walker.

SO ORDERED, this the ____ day of November, 2009.

The Honorable Janet F. King, Magistrate
Judge for the United States District Court of
the Northern District of Georgia

CERTIFICATE OF SERVICE

I hereby certify that on this day I have caused a copy of the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filings to the following attorneys of record:

Barbara E. Nelan
Office of United States Attorney
75 Spring Street, S.W.
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Atlanta, Georgia 30303
Email: barbara.nelan@usdoj.gov

Richard E. Reed
U.S. Department of Justice
75 Spring Street, S.W.
Suite 1176
Atlanta, Georgia 30303
Email: richard.reed@usdoj.gov

This 19th day of November, 2009.

s/Richard H. Deane, Jr.
Richard H. Deane, Jr.